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#3

Attorney Docket No.: 23091/14 (ACT-176)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): Sherrer et al.
EXAMINER: Unknown GROUP ART UNIT: 2872
SERIAL NO.: 10/022,726
FILED: December 20, 2001
FOR: OPTICAL SWITCH ASSEMBLY WITH FLEX PLATE AND METHOD
FOR MAKING

CERTIFICATE OF MAILING

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage in an envelope addressed to: BOX MISSING PARTS, Assistant Commissioner for Patents, Washington, DC 20231 on:

By: Carmen M. Constantinescu

August 28, 2002
Date:

BOX MISSING PARTS
Assistant Commissioner for Patents
Washington, DC 20231

RESPONSE TO NOTICE TO FILE MISSING PARTS
OF NON-PROVISIONAL APPLICATION

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Sir:

In response to the Notice to Filing Missing Parts of Non-Provisional Application, dated January 28, 2002 (a copy of which is enclosed), Applicants enclose Petition under Rule 37 CFR 1.47.

Enclosed is a check in the amount of \$2,090.00 to cover the cost of the declaration surcharge fee of \$130.00 in compliance with 37 CFR 1.16(l), and a five-month extension fee in the amount of \$1,960.00 in compliance with 37 CFR 1.136(a).

If an additional extension of time is required, please consider this a petition therefore and charge any additional fees which may be required to Deposit Account No. 50-0369.

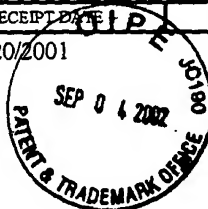
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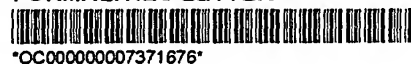
COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/022,726	12/20/2001	David W. Sherrer	A1148.0000/P004

26086
HALEOS, INC.
3150 STATE STREET
BLACKSBURG, VA 24060

CONFIRMATION NO. 5583

FORMALITIES LETTER



OC000000007371676

Date Mailed: 01/28/2002

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 130.

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY

09/06/2002 AWONDAF1 00000021 10022726

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130.00 OP



COPY OF PATENT
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DAK

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): Sherrer et al.

EXAMINER: Unknown GROUP ART UNIT: 2872

SERIAL NO.: 10/022,726

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By: *CMC*
Carmen M. Constantinescu

August 28, 2002
Date:

BOX MISSING PARTS
Assistant Commissioner for Patents
Washington, DC 20231
Dear Sir:

TRANSMITTAL LETTER

Enclosed for filing in the above-identified application is:

1. Response to Notice to File Missing Parts on Non-Provisional Application;
2. Copy of the Notice to File Missing Parts of Non-Provisional Application;
3. Declaration and Power of Attorney for Patent Application;
4. Petition for Five-Month Extension of Time;
5. Petition Under Rule 37 CFR 1.47; and
6. Check in the amount of \$2,090.00.

If the submitted check is insufficient, please charge any additional required fee to Deposit
Account No. 50-0369.

Respectfully submitted,

BROWN RUDNICK BERLACK ISRAELS LLP

By: *Thomas M. Saunders*
Thomas M. Saunders
Reg. No. 29,585

TMS/cmc
Enclosures

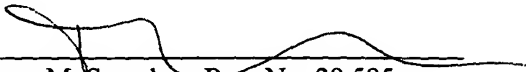
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If the submitted check is insufficient, please charge any additional required fee to Deposit
Account No. 50-0369.

Dated: August 28, 2002

Respectfully submitted,



Thomas M. Saunders, Reg. No. 29,585
Customer No. 21710
Attorney for Applicant(s)
Brown Rudnick Berlack Israels, LLP
One Financial Center
Boston, MA 02111
(617) 856-8284

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Eliseeva, Maria M.

Fr m: David W. Sherrer [dsherrer@marco.com]

Sent: Tuesday, August 13, 2002 5:03 PM

T : Eliseeva, Maria M.

Subject: Hostile Inventor

EXHIBIT 1

Maria,

Dan Steinberg has stated to numerous persons including myself, our CTO Mino Dautartas, and others here that he will not sign the declarations. I attempted formally to contact him via phone on 7/19 but was unable to get anything but a fax tone from his only known phone number. I thus faxed the declaration with a request to sign and fax back to our fax number. Dan, being our in-house patent agent, is well aware of all the cases and the procedures. Dan also is fully aware he signed a patent assignment agreement when he joined the company.

Unfortunately, Dan is one of the only hostile employees we have. There was no response from him regarding the fax until several days later. Dan stated word for word "I am not going sign this assignment." I have this as a voice mail archived on my phone. Dan has stated that there may be certain terms that could be negotiated, however we are not in a position to make this happen.

Please let me know if there is anything else I need to document regarding this issue.

Thanks,

David

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SEP 11 2002

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8/19/2002